

CORRESPONDENCE
RELATED TO ITEM NO. 15

To the Mayor &
City Council,

never ever allow
demolition of the 113 room
Sandman Inn Hotel,
Tombrow Brewing Co
and all buildings and
trees and bushes etc.

never allow construction
of the ~~Condo~~ ^{Office} Complex on
Lot A and 2 commercial
condos & 73 residential condos.

Stop the lot line adjustment
Development Plan, Modifications, and
Subdividing. Don't do it. It is truly
atrocious. Stop the Development. Save Santa Barbara & Adley
It is nice. Beautiful

Sincerely,

Paula Westbury
PAULA WESTBURY

1-37-10
650 Miramonte Ln
Santa Barbara
Si. Maria de

Re: Item 8. APPEAL
for 3714-3744 State St
Sandman Inn

Please read at the
Hearing Public + etc
2-2-10

60 people
70 people
100 people
actively
helping-

RECEIVED
FEB 01 2010

CITY OF SANTA BARBARA
PLANNING DIVISION



CITIZENS PLANNING ASSOCIATION OF SANTA BARBARA COUNTY, INC.
916 Anacapa Street, Santa Barbara, CA 93101
phone (805) 966-3979 • toll free (877) 966-3979 • fax (805) 966-3970
www.citizensplanning.org • info@citizensplanning.org

RE: APPEAL TO SANTA BARBARA CITY COUNCIL OF PLANNING COMMISSION'S
CERTIFICATION OF THE FINAL EIR FOR THE SANDMAN INN REDEVELOPMENT
PROJECT AND OF THE APPROVAL OF THE LATEST VERSION OF THE PROJECT
ON DECEMBER 17, 2009

March 3, 2010

Dear Mayor Schneider and City Council Members:

The Citizens Planning Association of Santa Barbara County, with the concurrence and support of the Allied Neighborhoods Association and the Santa Barbara League of Women Voters, is appealing two actions of Planning Commission concerning the Sandman Inn Redevelopment project. The appealed actions are: (1) the certification of the Final Environmental Impact Report which encompasses both the originally Proposed Project and the much more modest Applicant's Alternative, and (2) the approval of the latest version of the Applicant's Alternative without this version having been analyzed or even mentioned in the Final Environmental Impact Report. In addition to the appeal letter dated January 7, 2009, CPA's South County Land Use Committee wishes to submit the following information concerning the appeal:

Main reasons for the appeal:

1. The FEIR fails to identify an environmentally superior alternative as mandated by CEQA. This failure compromised the public's and the Planning Commission's analysis of the Project since one of the fundamental informational purposes of the EIR was not fulfilled. While the Planning Commission recognized this error and adopted their own finding regarding the environmentally superior alternative, this after-the-fact action did not give the public the opportunity to comment on what should have been an important part of the EIR.
2. The certification of the FEIR in its present form leaves open the door for a future reversion to the original project without further environmental review. Any certification should be narrowed to exclude the originally Proposed Project and include only the Applicant's Alternative.

3. Both the DEIR and the FEIR, like several similar documents before, improperly defers analysis of critical CEQA issues to which the public is entitled.
4. There is no documentation for the view, expressed in the December 10th Staff Report and apparently accepted by Planning Commission, that the FEIR's analysis of the Applicant's Alternative can be presumed to cover its latest iteration (also known as the Current Project) approved on December 17, 2009. Yet the two *commercial* condominiums added in the Current Project to the otherwise residential parcel are not fully counterbalanced by the square footage reduction of the buildings proposed for *office* use in the analyzed Applicant's Alternative. Furthermore, the staff discussion of the Current Project fails to address the possibly significant traffic, parking, and job-generating consequences of the open-ended approval of "commercial" (rather than "office") space if the space is used for such purposes as general retail, video rental, coffee shop, or public fitness center.

Other reasons for the appeal (most of the following considerations apply with special force to the originally Proposed Project but also bear on the Applicant's Alternative):

- (a) *Ignoring or dismissing* public comments on the Initial Study, the DEIR, and the FEIR, the certification of the FEIR failed to consider or sufficiently consider the *cumulative* context of the project's impact relative to:

☛ the daily influx of 40,000 to 100,000 nonresidents (mostly tourists and commuters) as potential users of such City resources as water, sewage and hard waste disposal capacity, road capacity for ordinary and emergency traffic, police and fire protection, etc.

☛ the recently enhanced strain on our natural and infrastructural resources by such factors as the decreasing availability of State Water, the increased siltation of local lakes and reservoirs, the increasing energy and other costs of possibly needed desalination, the trend of increasing gang-related violence, and the increasing year-round wild fire danger (acknowledged by the governor's discontinuing the official designation of a "high fire season").

☛ the city-wide problem of jobs/housing imbalance, which is exacerbated by the creation of added demand for low, moderate, and middle income workers through the development of new market-rate and even middle income inclusionary housing.

☛ the true conditions of car, truck, bicycle, and pedestrian traffic in the project's vicinity (e.g., some of the figures cited in the traffic study seem to be arbitrarily chosen from among available alternatives and do not reflect the actual traffic generated by the now existing

Whole Foods Supermarket, the bike lanes ascribed to Hitchcock Way do not exist, and there is no mention of the problematic lack of marked pedestrian crossings across the half-mile stretch of Hitchcock Way between State Street and Calle Real).

(b) The FEIR requires further review and analysis of *policy consistency and adherence to sound planning principles* relative to:

- the calculation of the number of permissible dwelling units on the 3.58-acre residential parcel being based on the 4.58-acre total area of the two parcels under consideration;
- the approval for a 4.58-acre site at the location in question of 73 residential condominiums and a 106-room hotel (Proposed Project) or 73 residential condominiums and over 14,000 square foot of commercial development (Applicant's Alternative and Current Project);
- the application of Variable Density standards in the SD-2 overlay zone, presumably justified by the procedurally improper recent addition of the following sentence to the Municipal Code (MC 28.21.080.F): "The fact that a lot may be subject to an overlay zone, including, but not limited to, the S-D-2 or S-D-3 Overlay Zones, does not prohibit the application of variable density if variable density is otherwise allowed in the base zoning of the lot." See Ord. 5459 (2008), apparently not vetted through public review and not addressed as a proposed substantive change by the Ordinance Committee and City Council.
- lack of full compliance with the current regulatory framework including the City of Santa Barbara's Storm Water Management Program, approved by the Central Coast Regional Water Quality Control Board and fully implemented since January 2009 (e.g., the April 2005 drainage study was updated in October and November 2009 *outside* the environmental review process, and the update only addressed the Applicant's Alternative without reference to the originally Proposed Project).
- lack of adequate attention to the input of at least one advisory body (the advice from the Parking and Recreation Commission was not solicited in time for the EIR and was apparently not communicated to Planning Commission before project approval -- see the PRC minutes of the meeting of November 18, 2009).

Recommendations:

1. We respectfully urge City Council to uphold the appeal, decline to certify the FEIR in its present form, and recirculate a revised version that declares the Applicant's Alternative the environmentally superior alternative and adds a comprehensive list of reasons why the Applicant's Alternative is environmentally superior to the originally Proposed Project.

An alternative remedy would be to certify the FEIR but expressly exclude from the certification the Project Description for the originally Proposed Project.

2. We also urge City Council to initiate an examination of the City's CEQA processes with a view to correcting existing problems, revising the city's outdated CEQA Guidelines, and adopting appropriate CEQA Thresholds for future reviews.
3. As for the approval of the Current Project, we request that City Council send the case back to Planning Commission for additional public consideration in the light of the latest iteration of the alternative project and a complete Project Description. One result of this reconsideration should be the imposition of a condition that requires enhanced public and decision maker review of any deviations of the present or a future version from the project description of the analyzed version of the Applicant's Alternative.

In conclusion, please note that the following recent letters relating to the Sandman Inn Redevelopment project and already approved by the CPA board as part of its monthly Consent Calendars, shed additional light on the issues raised in the present submission:

June 24, 2008: scoping comments on Initial Study (8 pages)
May 10, 2009 initial comments on DEIR (3 pages)
May 21, 2009: final comments on DEIR (3 pages)
December 14, 2009: comments on FEIR in general (3 pages)
December 15, 2009: comments on FEIR and Staff Report about the Applicant's
 Alternative (3 pages)
January 7, 2010: Appeal letter (6 pages)

We thank you in advance for your consideration.

Paul Hernadi
South County Vice President
Citizens Planning Association of Santa Barbara County

cc: Allison DeBusk, Cindy Rodriguez, Julie Rodriguez